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In re Application of :
WEINBERGER, Mark T. et al. :
U.S. Application No.: 10/009,080 : DECISION ON
PCT No.: PCT/US00/14185 :
International Filing Date: 23 May 2000 : PETITION
Priority Date: 04 June 1999 :
Attorney's Docket No.: 1175PCT : UNDER 37 CFR 1.181
For: WET CUP THROAT SEAL AND :
BEARING ASSEMBLY :

This is a decision on applicants' "Request For Corrected Filing Receipt," filed in the United States Patent and Trademark Office on 11 July 2002.

BACKGROUND

On 23 May 2000, applicants filed international application PCT/US00/14185, which claimed a priority date of 04 June 1999. A demand for international preliminary examination was timely filed on 16 August 2000. The deadline for entry into the national stage in the United States was 04 December 2001.

On 04 December 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, *inter alia*, the basic national fee and a declaration executed by two of the three inventors.

On 30 April 2002, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed giving the application the date 04 December 2001 under 35 U.S.C. §§371(c)(1), (2) and (4).

On 11 June 2002, applicants submitted a petition to correct the filing receipt to list the three inventors and submitted a single supplemental page of the declaration.

DISCUSSION

As the declaration submitted on 04 December 2001 listed only two inventors, rather than the three listed on the international application, it did not comply with the requirements of 37 CFR 1.497(a)-(b). A declaration in compliance with 37 CFR 1.497(a)-(b) is a requirement to enter national stage in the United States. As discussed, that was not satisfied and a Notification of Acceptance and a filing receipt should not have issued. They are vacated.

Applicants have now supplied a single supplemental page of declaration executed by the third inventor. However, the original declaration did not satisfy 37 CFR 1.497 (a)-(b). Applicants must supply **the full copy of the declaration executed by each inventor**. Applicants may not piece together pages from different declarations to create a composite declaration. If applicants submit all the pages together, the papers must be accompanied by a statement that the supplemental sheet was attached to the declaration when it was executed by the two other inventors.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The Notification of Acceptance (Form PCT/DO/EO/903) mailed 30 April 2002 is **VACATED**.

Applicants must supply an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration within TWO (2) MONTHS from the mail date of this decision. Failure to timely file the proper response will result in abandonment of this application. Extensions of time are available under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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